

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America, ex rel,
Andrew Ellis, and Harriet Ellis,

Case Number: 11-CV-416 (PJS/TNL)

Relators,

vs.

City of Minneapolis, a municipal
corporation, and City of Saint Paul, a
municipal corporation,

**DEFENDANT CITY OF SAINT
PAUL'S MOTION TO DISMISS
OR ALTERNATIVELY FOR
SUMMARY JUDGMENT**

Defendants.

NOW COMES Defendant City of Saint Paul, ("City") by and through the undersigned counsel, with their motion for Dismissal or Alternatively for Summary Judgment. The City hereby moves the Court for the following relief:

1. An order granting its motion to dismiss or in the alternative for summary judgment in their favor as to all claims asserted against them by Relators United States of America, Andrew Ellis and Harriet Ellis.

The grounds for said motion are that the Court lacks subject matter jurisdiction, or alternatively that Relators fail to state a claim where relief may be granted and there are no genuine issues as to any material fact and, based upon the undisputed facts, the City is entitled to judgment in their favor as a matter of law.

The City's motion is based upon Rules 12 and 56 of the Federal Rules of Civil Procedure, local Rule 7.1, the City's Memorandum of Law Supporting its Motions for

Dismissal and for Summary Judgment, accompanying Affidavits, the files, records, exhibits and proceedings herein and arguments of counsel.

Dated: October 16, 2013

SARA R. GREWING
City Attorney

s/ Judith A. Hanson

JUDITH A. HANSON, #207408

Assistant City Attorney

Telephone: (651) 266-8727

judy.hanson@ci.stpaul.mn.us

PORTIA HAMPTON-FLOWERS, #210869

Deputy City Attorney

Telephone: (651) 266-8774

portia.flowers@ci.stpaul.mn.us

750 City Hall and Court House

15 West Kellogg Boulevard

Saint Paul, MN 55102

Attorneys for Defendant City of Saint Paul